

Notice of Allowability

Application No.

09/760,926

Examiner

Jonathan S. Crepeau

Applicant(s)

ABE, TAKAO

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1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 5/21/04.
2. ☒ The allowed claim(s) is/are 1, 2 and 4-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 3/18/03.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application. Applicant is advised to review the Office actions of September 23, 2003, August 4, 2003, and March 18, 2003, and the drawing correction of January 13, 2003. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with David Rozenblat on June 8, 2004.

The application has been amended as follows:

IN THE ABSTRACT:

Please replace the abstract with the following abstract:

--There is provided a nonaqueous electrolyte secondary battery which can reliably perform a current cut-off operation in a current cut-off state and can release a gas in a cleavage state. In the nonaqueous electrolyte secondary battery, an electrode element 2 is held in a circularly cylindrical outer packaging can 1. A lid 7, a PTC element 3, and a safety valve 6 are caulked on one end side of the outer packaging can 1 through a gasket 8 to seal one end of the outer packaging can 1. At the central portion of the safety valve 6, a projecting portion 6a projecting toward the electrode element 2 is formed. ~~The projecting portion 6a is welded on a sub-disk 4 welded on the free end of a positive electrode lead 9.~~ In the safety valve 6, a plurality of linear thin portions are formed along two circles centering on the projecting portion 6a. A thin portion extending in a radial direction is formed across the end portions of the thin portions adjacent to each other. In this manner, by the plurality of thin portions, one continuous thin portion is formed.

~~In a safety valve in which the projecting portion is connected to the lead of the electrode element through the central hole of the disk, the disk has a linear thin portion, or a linear thin portion is formed almost along a circle centering on the symmetrical point of the central hole. --~~

Allowable Subject Matter

4. Claims 1, 2, and 4-13 are allowed.
5. The following is an examiner's statement of reasons for allowance (these same reasons were set forth in the Office action of March 13, 2003 and are reiterated herein):

JP 2000-21380 is the closest prior art to the instant claims; however, Applicant's submission of a translation of priority document 2000-6747 is sufficient to remove the reference as prior art against these claims. Accordingly, the claims are allowable.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached at (571) 272-1302. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jonathan Crepeau
Patent Examiner
Art Unit 1746
June 10, 2004